

Using IN SWMP

Laura Hilden, INDOT

Carl Wodrich, DNR

Sandra Bowman, INDOT

March 5, 2018

In-Lieu Fee Mitigation Comes to Indiana

- IN SWMP stands for Indiana Stream and Wetland Mitigation Program.
- IN SWMP is DNR's statewide in lieu fee mitigation program for 404/401 permitted impacts.
- Developed using SPR funds.
- Four year effort by DNR and supporting agencies.
- Program approved May 2018.



How to Use IN SWMP

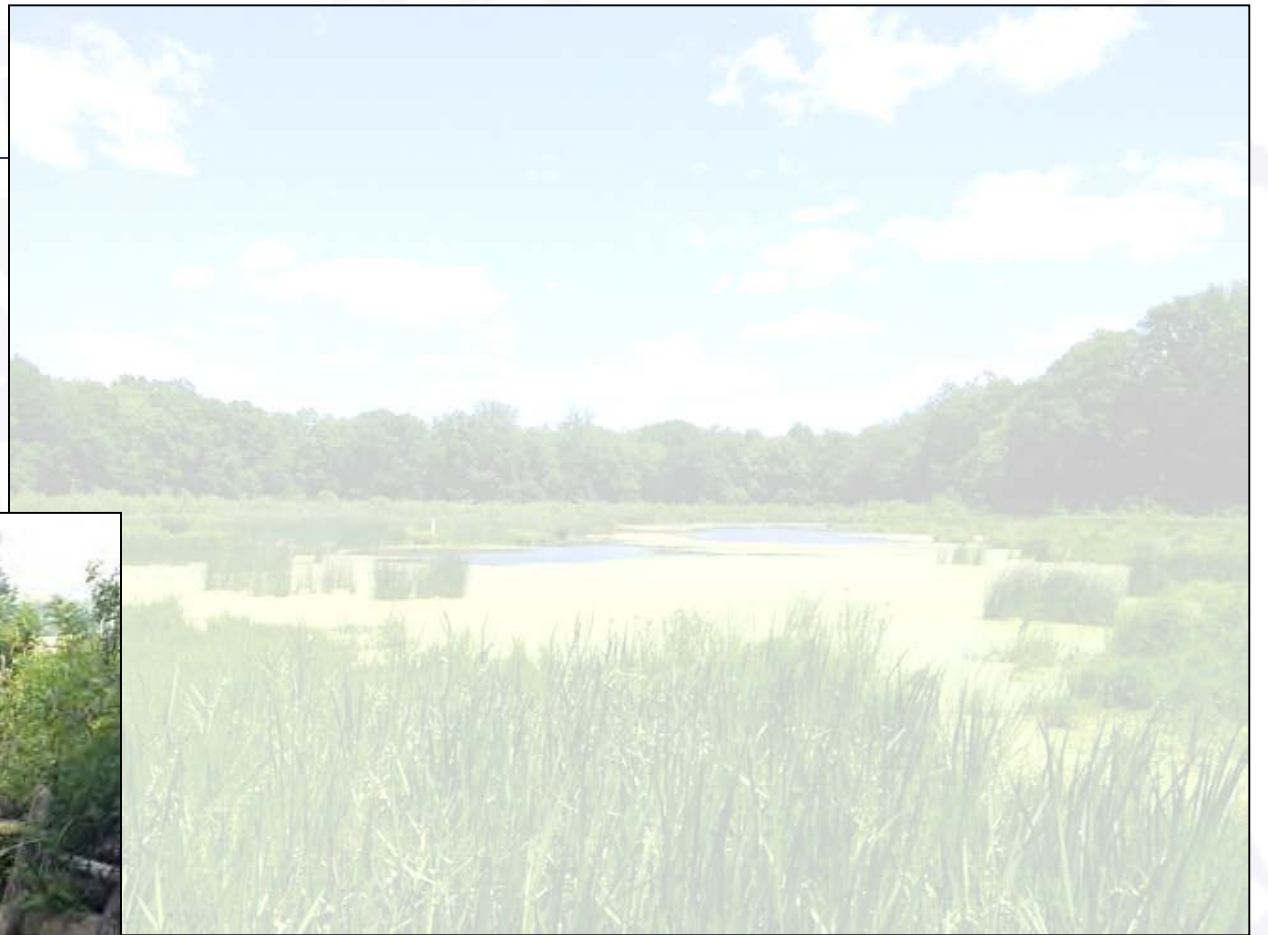
Part 1: Program Structure Carl Wodrich, DNR



Part 2: Project Development Sandy Bowman, INDOT

How to Use IN SWMP

Part 1: Program Structure
Carl Wodrich, DNR



Part 2: Project Development
Sandy Bowman, INDOT

Indiana Stream and Wetland Mitigation Program (IN SWMP)

Indiana's In-Lieu Fee (ILF) Mitigation Program



Carl Wodrich, Assistant Director
Division of Land Acquisition
LTAP Stormwater Drainage Conference

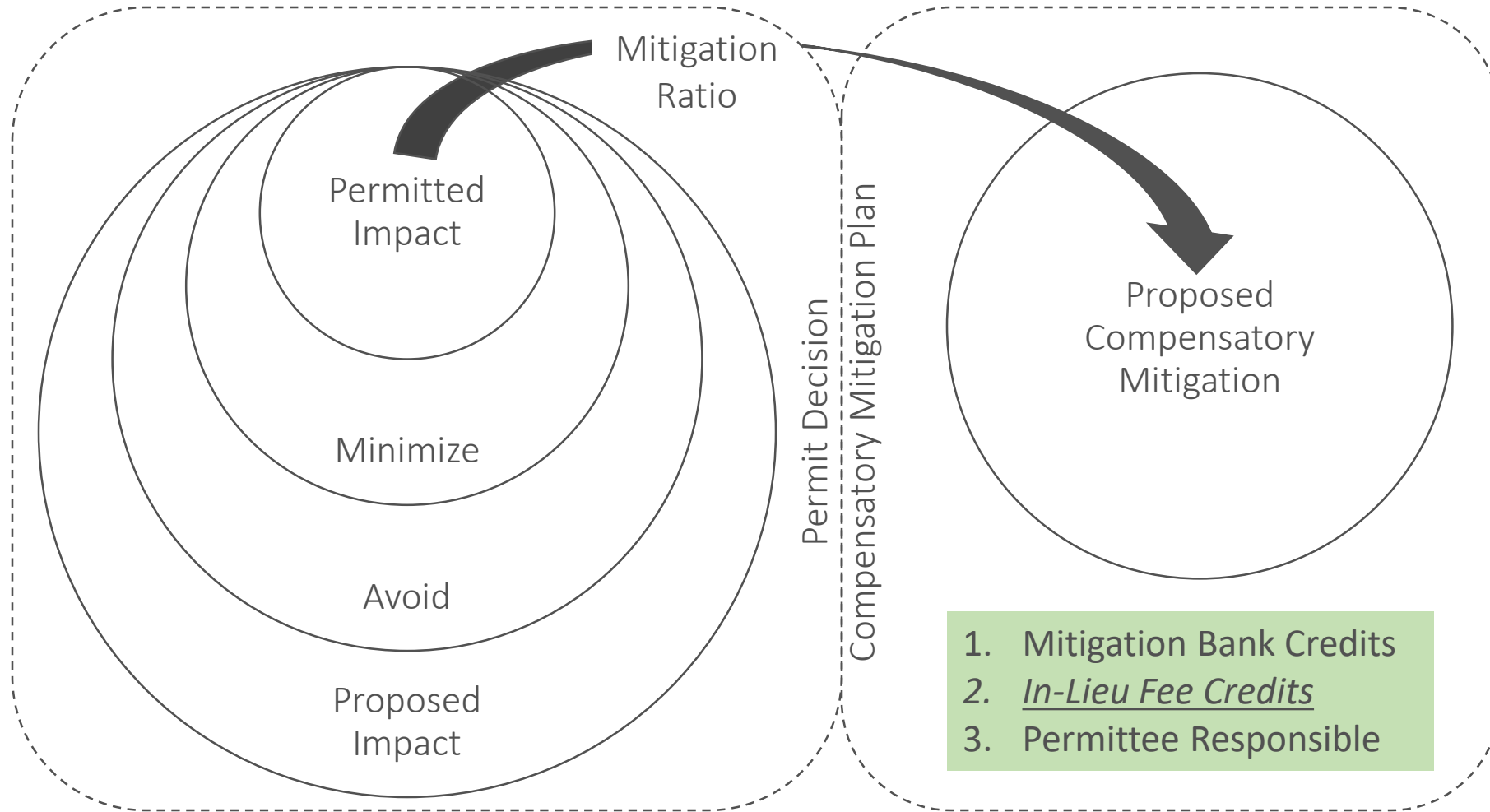


Permitting Programs & IN SWMP

- Army Corps of Engineers – regulations under:
 - Section 10 Harbors Act
 - Section 404 of Clean Water Act (CWA)
- Indiana Dept of Environmental Management – regulations under:
 - Section 401 Water Quality Certifications (CWA)
 - Indiana Isolated Wetlands Law
- Indiana DNR Division of Water:
 - For construction in a floodway, public freshwater lake or navigable waterway
 - STILL FORTHCOMING...

What is an In-Lieu Fee Mitigation Program?

- *In-lieu fee (ILF) program*: restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or nongovernmental natural resource management organization.
- Permittee purchases credits from ILF sponsor
- **Sponsor builds and maintains** larger mitigation projects than permittee-responsible mitigation projects after impacts are authorized.
 - **MUST FOLLOW 2008 Federal Mitigation Rule**



Mitigation Process

Purpose of the Program

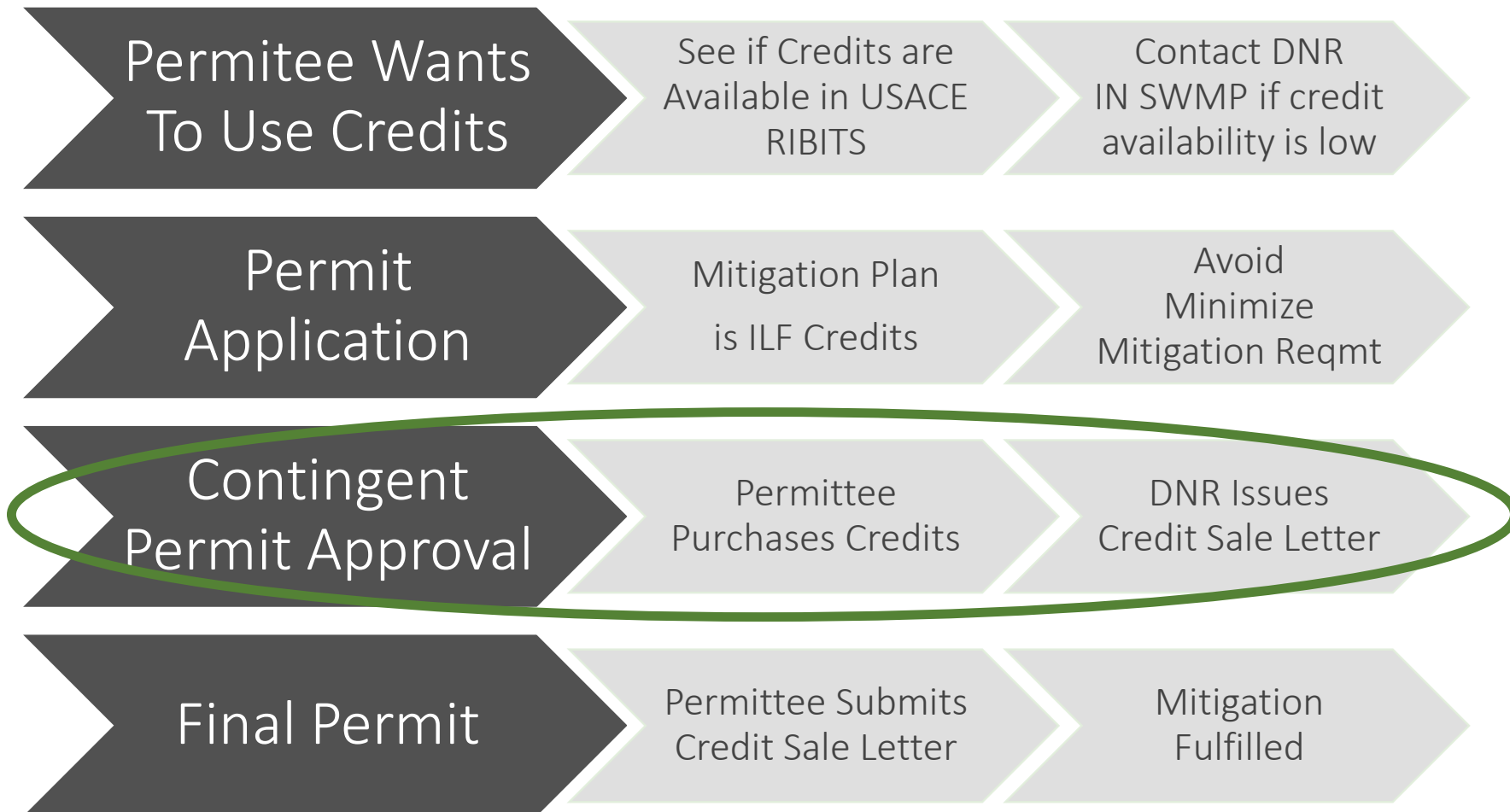
- Provides specific costs of mitigation for applicants
- Shortens project timeframes for permittees
- Integrate other conservation efforts
 - DNR & Conservation Partners
- Consolidate Mitigation
 - Gain Efficiencies
 - Increase Ecological Significance
 - Prioritization of potential projects using Compensation Planning Framework (CPF)
- 11 Statewide, Watershed-Based Service Areas

How Does the Program Work?

Credit Sales

- In-lieu fee programs sell “Advance Credits”
 - Each service area will have a specific allotment of advance wetland and stream credits available
- ILF projects will generate Released Credits to fulfill Advance Credits that have been sold

Credit Sales



DNR Credit Sale Process

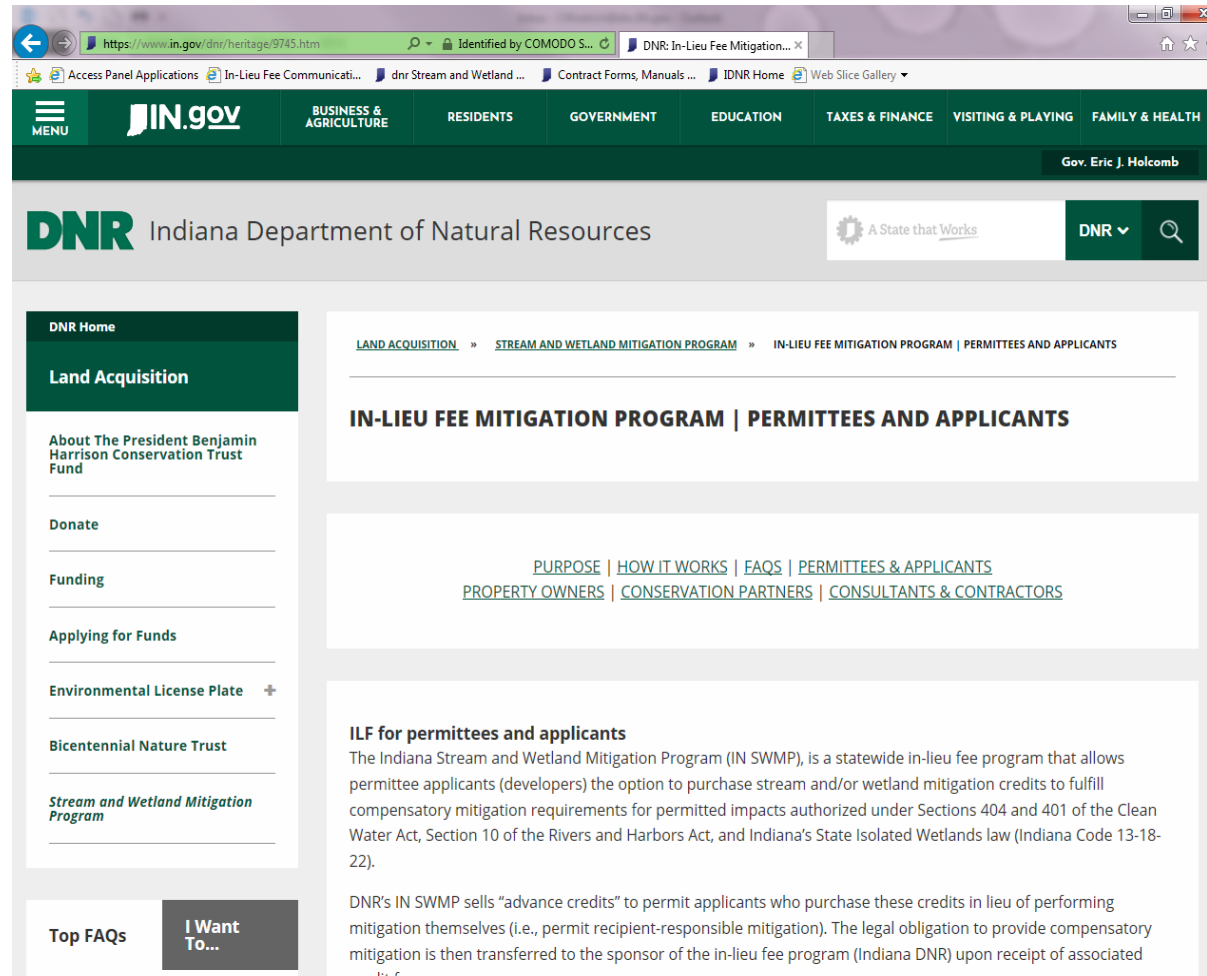
1. Check the [USACE RIBITS web site](#) to determine if the required amount of credits are available in the service area(s) where you need them.
2. [Contact the DNR](#) if there are insufficient available credits for your permit requirements if the USACE and/or IDEM have not already done so.
3. Submit permit application(s) to the regulatory agencies (USACE, IDEM, etc.) and notify them that you would like to utilize the in-lieu fee program to fulfill the compensatory mitigation requirements for unavoidable impacts.
4. Upon authorization to use the in-lieu fee program, **the regulatory agencies will determine the appropriate amount and type of mitigation credits that will be required to fulfill permit obligations**; the permittee must then purchase those credits from DNR IN SWMP in order to fulfill the compensatory mitigation requirement for their permit(s).
 - a) Regulatory agencies will **conditionally authorize permits**, with the requirement to provide a Credit Sales Letter/Receipt, prior to impacts to waters of the US and/or State.

DNR Credit Sale Process

5. When permittee has approved 404, 401 and/or IDEM isolated permits, email DNR IN SWMP staff at INSWMP-Inquiry@dnr.IN.gov for purchase instructions.
 - a) This will include an invoice from the INRF
6. Once credits are purchased from DNR's IN SWMP, DNR will provide a credit sale letter within 30 days after funds have been received and deposited into the Indiana Natural Resources Foundation account.
7. The permittee shall provide a copy of the credit sale letter to the regulatory agencies to fulfill their permit mitigation requirements.
8. Once these steps have been completed and you successfully provide proof of the credit purchase, this will permanently and legally transfer your mitigation responsibilities to DNR's IN SWMP.

<http://on.in.gov/inswmp>

DNR IN SWMP Website



The screenshot shows a web browser window displaying the Indiana Department of Natural Resources (DNR) website. The browser's address bar shows the URL <https://www.in.gov/dnr/heritage/9745.htm>. The website's header features a dark green navigation bar with the IN.gov logo and various menu items: BUSINESS & AGRICULTURE, RESIDENTS, GOVERNMENT, EDUCATION, TAXES & FINANCE, VISITING & PLAYING, and FAMILY & HEALTH. Below this, a white banner displays the DNR logo and the text "Indiana Department of Natural Resources", along with a "A State that Works" logo and a "DNR" dropdown menu. The main content area is divided into a left sidebar and a main panel. The sidebar, titled "DNR Home", includes a "Land Acquisition" section with links to "About The President Benjamin Harrison Conservation Trust Fund", "Donate", "Funding", "Applying for Funds", "Environmental License Plate", and "Bicentennial Nature Trust". The main panel, titled "IN-LIEU FEE MITIGATION PROGRAM | PERMITTEES AND APPLICANTS", contains a breadcrumb trail: "LAND ACQUISITION » STREAM AND WETLAND MITIGATION PROGRAM » IN-LIEU FEE MITIGATION PROGRAM | PERMITTEES AND APPLICANTS". Below the title, there is a list of links: "PURPOSE", "HOW IT WORKS", "FAQS", "PERMITTEES & APPLICANTS", "PROPERTY OWNERS", "CONSERVATION PARTNERS", and "CONSULTANTS & CONTRACTORS". The main panel also features a section titled "ILF for permittees and applicants" with a paragraph explaining the program: "The Indiana Stream and Wetland Mitigation Program (IN SWMP), is a statewide in-lieu fee program that allows permittee applicants (developers) the option to purchase stream and/or wetland mitigation credits to fulfill compensatory mitigation requirements for permitted impacts authorized under Sections 404 and 401 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and Indiana's State Isolated Wetlands law (Indiana Code 13-18-22). DNR's IN SWMP sells 'advance credits' to permit applicants who purchase these credits in lieu of performing mitigation themselves (i.e., permit recipient-responsible mitigation). The legal obligation to provide compensatory mitigation is then transferred to the sponsor of the in-lieu fee program (Indiana DNR) upon receipt of associated credit fees."

DNR Indiana Department of Natural Resources

DNR Home

Land Acquisition

About The President Benjamin Harrison Conservation Trust Fund

Donate

Funding

Applying for Funds

Environmental License Plate

Bicentennial Nature Trust

Stream and Wetland Mitigation Program

IN-LIEU FEE MITIGATION PROGRAM | PERMITTEES AND APPLICANTS

[LAND ACQUISITION](#) » [STREAM AND WETLAND MITIGATION PROGRAM](#) » [IN-LIEU FEE MITIGATION PROGRAM | PERMITTEES AND APPLICANTS](#)

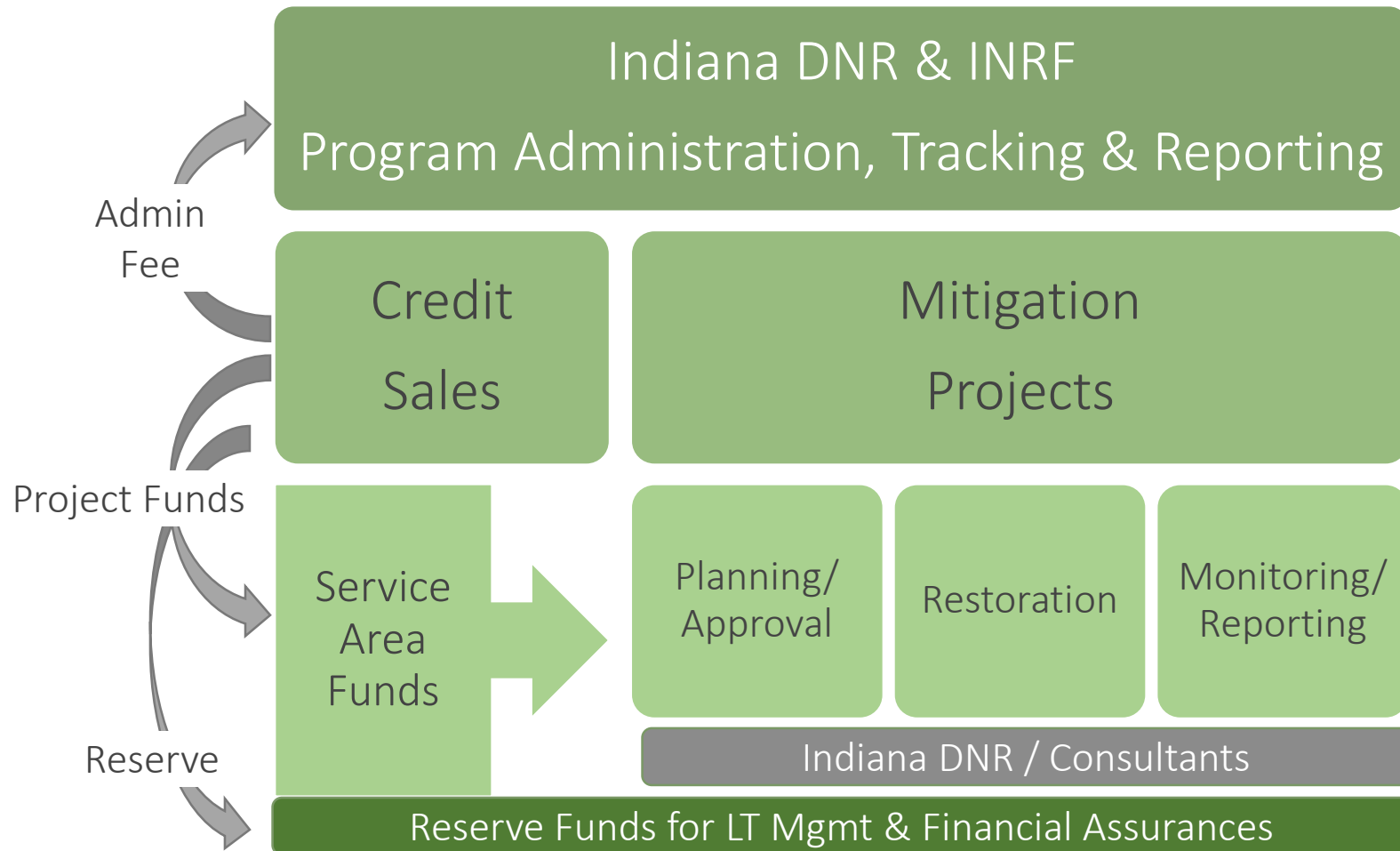
[PURPOSE](#) | [HOW IT WORKS](#) | [FAQS](#) | [PERMITTEES & APPLICANTS](#)
[PROPERTY OWNERS](#) | [CONSERVATION PARTNERS](#) | [CONSULTANTS & CONTRACTORS](#)

ILF for permittees and applicants

The Indiana Stream and Wetland Mitigation Program (IN SWMP), is a statewide in-lieu fee program that allows permittee applicants (developers) the option to purchase stream and/or wetland mitigation credits to fulfill compensatory mitigation requirements for permitted impacts authorized under Sections 404 and 401 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and Indiana's State Isolated Wetlands law (Indiana Code 13-18-22).

DNR's IN SWMP sells "advance credits" to permit applicants who purchase these credits in lieu of performing mitigation themselves (i.e., permit recipient-responsible mitigation). The legal obligation to provide compensatory mitigation is then transferred to the sponsor of the in-lieu fee program (Indiana DNR) upon receipt of associated credit fees.

Program Management



Credit Price Components

| <u>Project Component</u> | <u>% of Credit Cost</u> |
|--|-------------------------|
| Land Acquisition/Protection | up to 50% |
| Engineering Design/Plan Development/PM | up to 20% |
| Financial Assurances | up to 20% |
| Construction | up to 60% |
| Monitoring / Adaptive Management | up to 20% |
| Long Term Management | up to 20% |
| Contingencies | up to 15% |
| IN SWMP Administration Costs | up to 15% |

*Credit pricing must include FULL COST ACCOUNTING for full delivery

Credit Pricing

| Service Area | Stream Credit Price | Wetland Credit Price |
|----------------------------|---------------------|----------------------|
| Calumet-Dunes | \$600 | \$95,000 |
| St. Joseph River (Lake MI) | \$600 | \$120,000 |
| Maumee | \$450 | \$80,000 |
| Kankakee | \$500 | \$95,000 |
| Upper Wabash | \$400 | \$80,000 |
| Middle Wabash | \$400 | \$80,000 |
| Upper White | \$450 | \$80,000 |
| Whitewater-East Fork White | \$400 | \$80,000 |
| Lower White | \$400 | \$80,000 |
| Upper Ohio | \$400 | \$80,000 |
| Ohio-Wabash Lowlands | \$400 | \$80,000 |

IN SWMP Partnerships & Considerations

- Potential for ILF to partner with other conservation programs/funding sources
- ILF Program/Project Restrictions
 - May not be likely on lands acquired with federal \$\$\$ - federal coordination will be required
 - Need to show ecological uplift; increase in resource/function
 - All projects will require real estate restrictions (CE)
 - Legal Drains will be a challenge = vacation of drain
- Ownership of IN SWMP projects
 - DNR, land trusts, local gov't parks dept., Feds, private
 - DNR will hold CEs on property we do not own in title
 - Long-term maintenance funding post-release

Contractors and IN SWMP

- IDOA Division of Public Works
 - Pre-certification required through IDOA PW for both “Consultant/Designer” and “Construction”
 - Category: Wetland, Stream and Upland Restoration and Mitigation
- Contractor tasks (IDOW PW and/or Prof Svcs):
 - Site ID; Conceptual Plans; delineations
 - Surveys; Design; Construction
 - Maintenance; Monitoring

DNR Division of Water Permits

- Construction in a Floodway – Flood Control Act
(IC 14-28-1)
- Construction on a Public Freshwater Lake – Lake Preservation Act
(IC 14-26-2)
- Construction in a Navigable Waterway – Navigable Waterways Act
(IC 14-29-4)

Questions?

Carl Wodrich

Assistant Director, Division of Land Acquisition

317-232-1291

cwodrich@dnr.IN.gov

IN SWMP Mitigation Specialists:

Brad Baldwin (North) – 317-234-9702 bbaldwin@dnr.IN.gov

David Carr (South) – 317-234-9703 dcarr@dnr.IN.gov

<https://on.in.gov/inswmp>

How to Use IN SWMP

Part 1: Program Structure
Carl Wodrich, DNR



Part 2: Project Development
Sandy Bowman, INDOT

INDOT Project Development

Project Scope

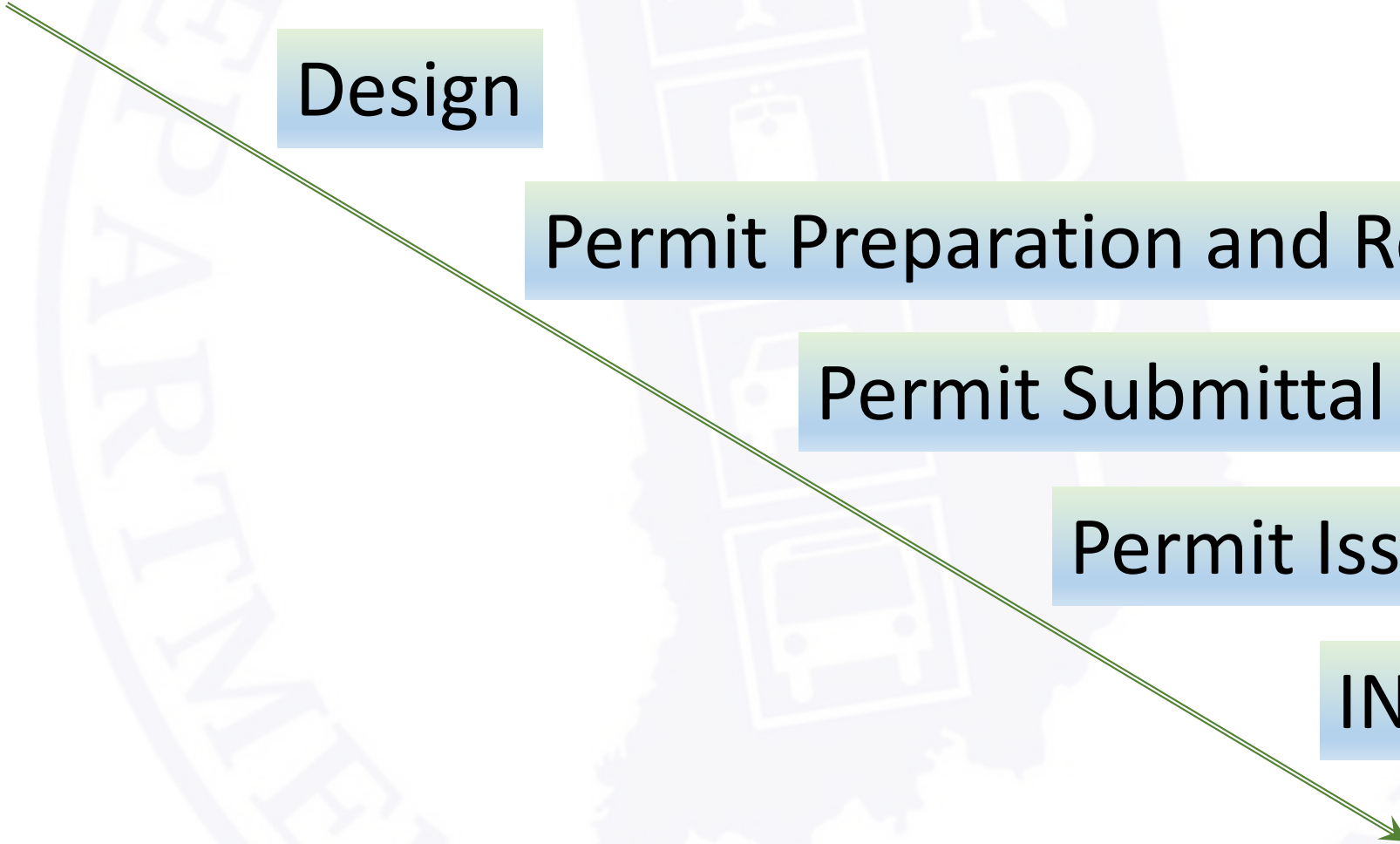
Design

Permit Preparation and Review

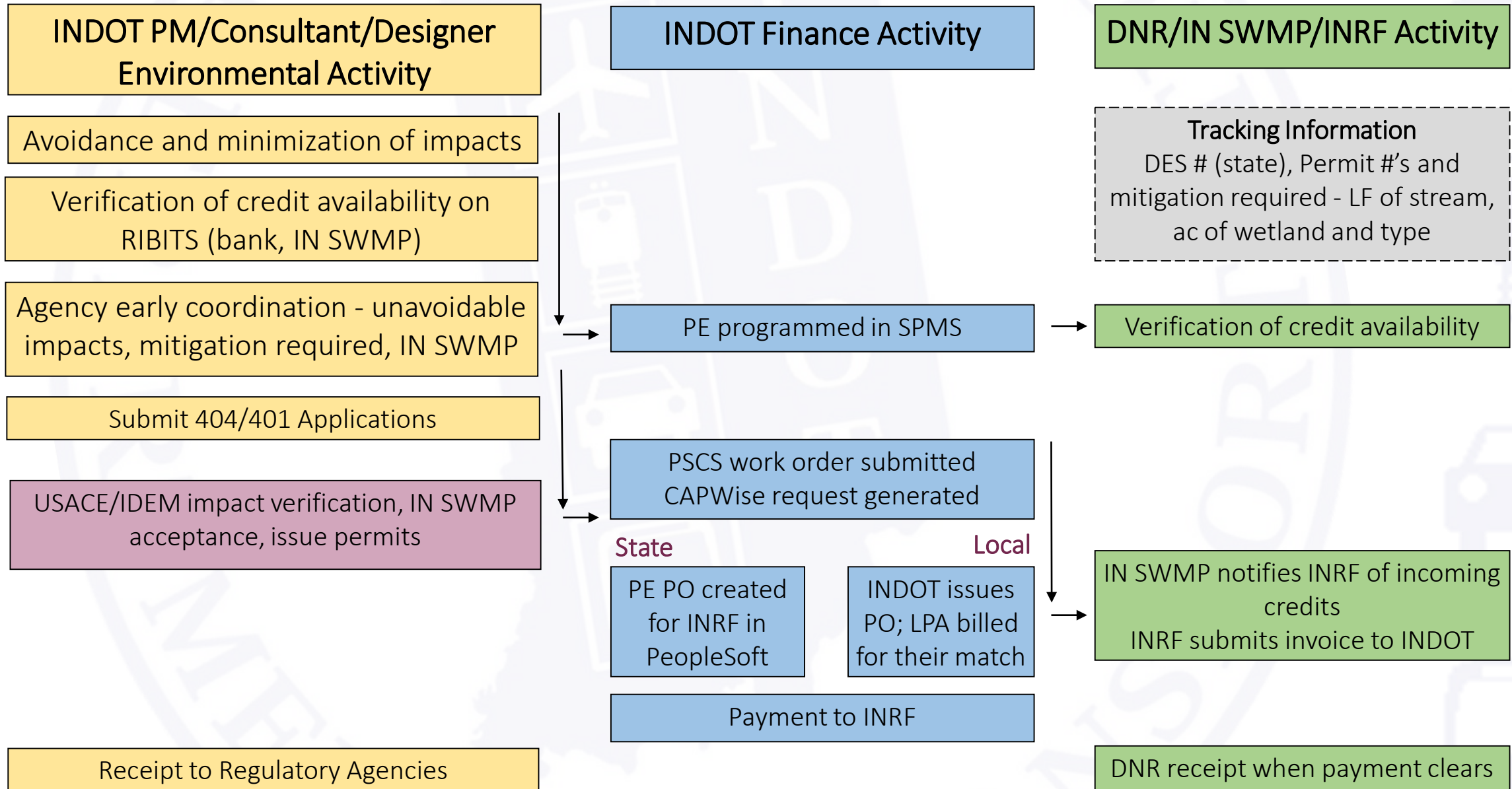
Permit Submittal

Permit Issued

IN SWMP Payment



IN SWMP In-Lieu Fee Workflow



IN SWMP In-Lieu Fee Workflow

INDOT PM/Consultant/Designer
Environmental Activity

INDOT Finance Activity

DNR/IN SWMP/INRF Activity

Avoidance and Minimization of Impacts

- Required to avoid and minimize impacts throughout design process to include during construction
- Cost of IN SWMP mitigation credits

USACE/IDEM impact verification, IN SWMP acceptance, issue permits

CAPWise request generated

State

Local

PE PO created
for INRF in
PeopleSoft

INDOT issues
PO; LPA billed
for their match

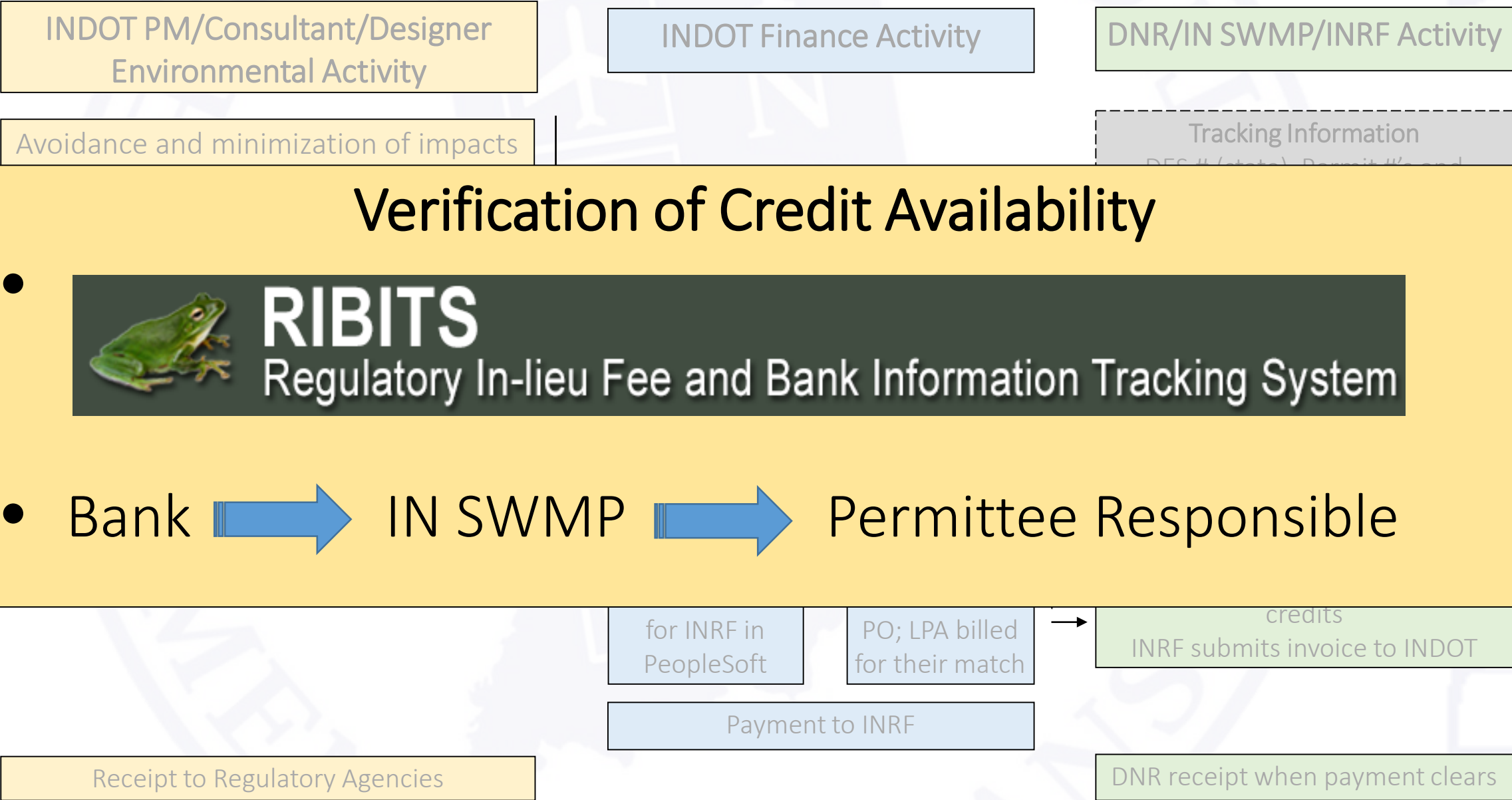
IN SWMP notifies INRF of incoming credits
INRF submits invoice to INDOT

Payment to INRF

Receipt to Regulatory Agencies

DNR receipt when payment clears

IN SWMP In-Lieu Fee Workflow



IN SWMP In-Lieu Fee Workflow

INDOT PM/Consultant/Designer
Environmental Activity

INDOT Finance Activity

DNR/IN SWMP/INRF Activity

Avoidance and minimization of impacts

Tracking Information

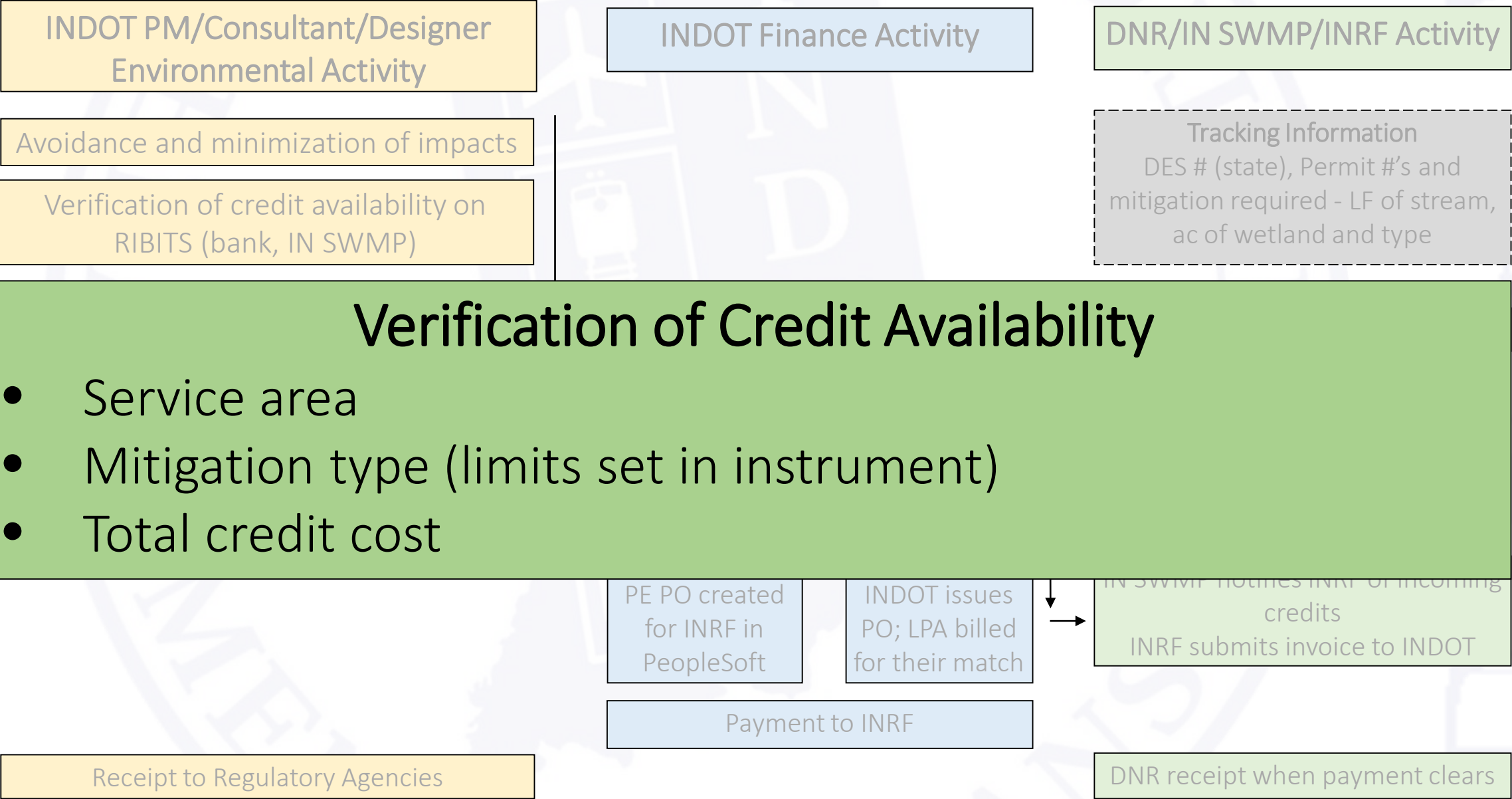
Agency Early Coordination

- Project has unavoidable impacts
 - Stream LF
 - Wetland (acres and type)
- Amount of mitigation required
- Type of mitigation proposed - bank, IN SWMP, and/or permittee responsible
- USACE – will accept mitigation proposed

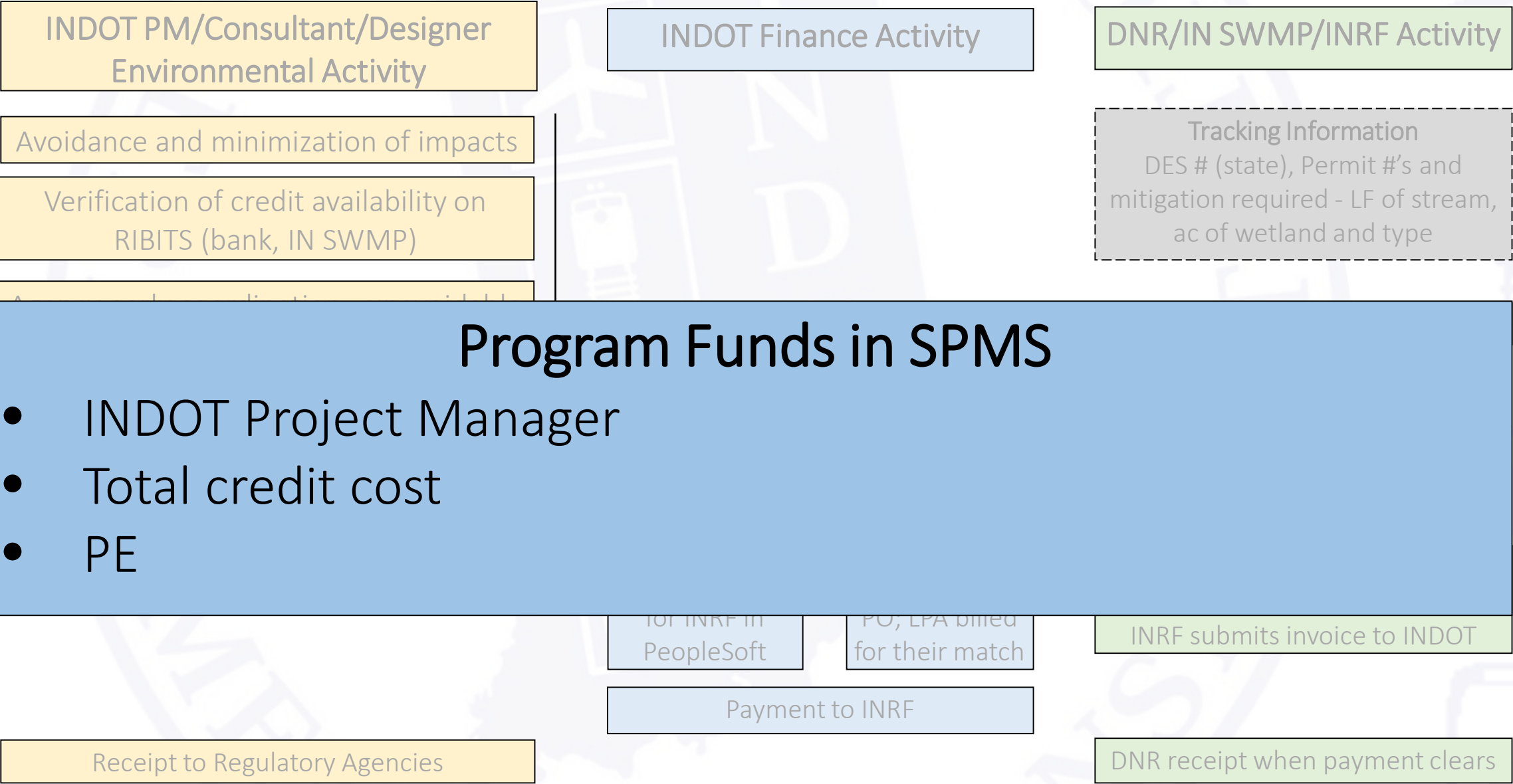
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IN SWMP In-Lieu Fee Workflow



IN SWMP In-Lieu Fee Workflow



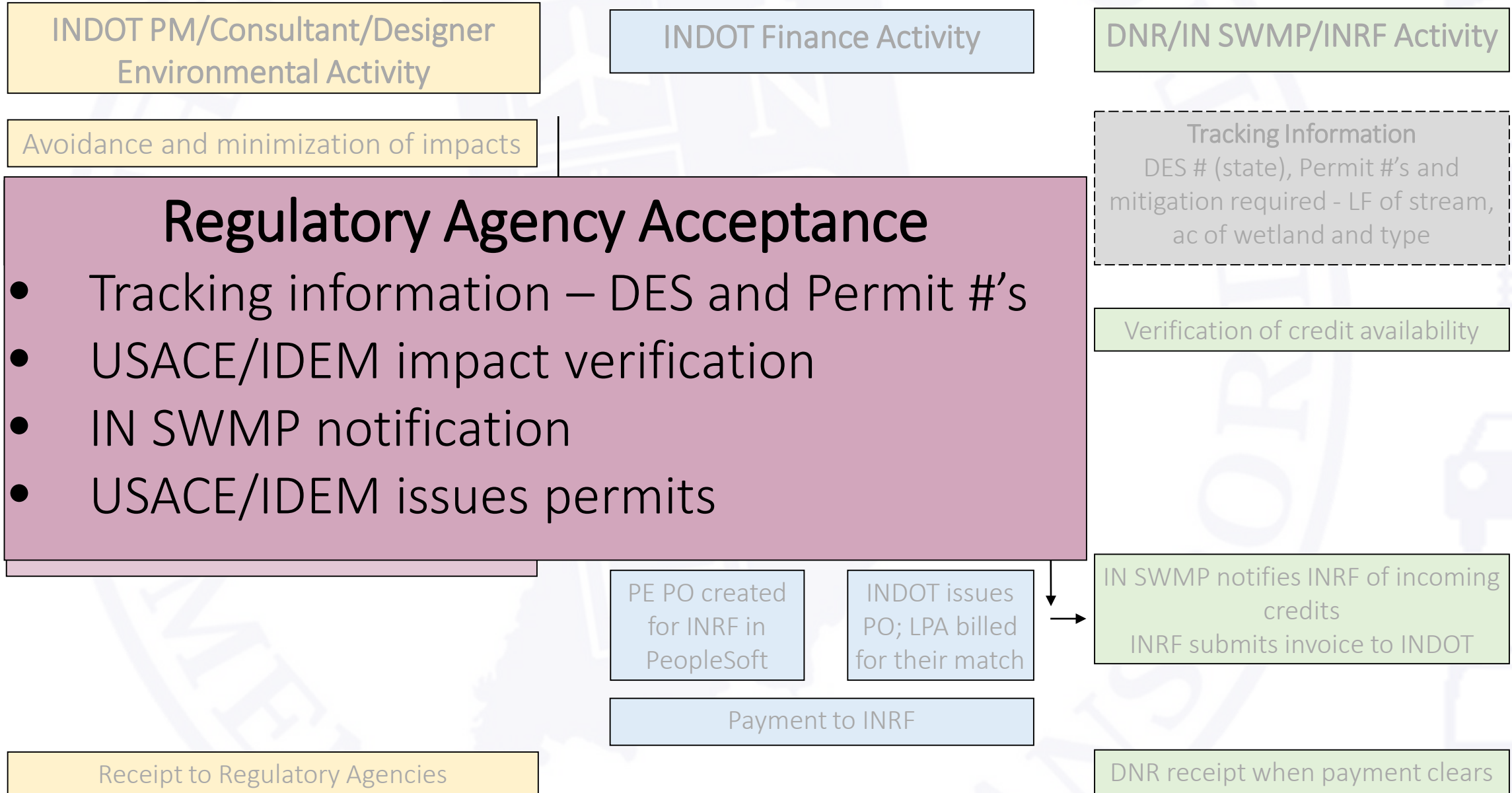
IN SWMP In-Lieu Fee Workflow

Submit 404/401 Applications

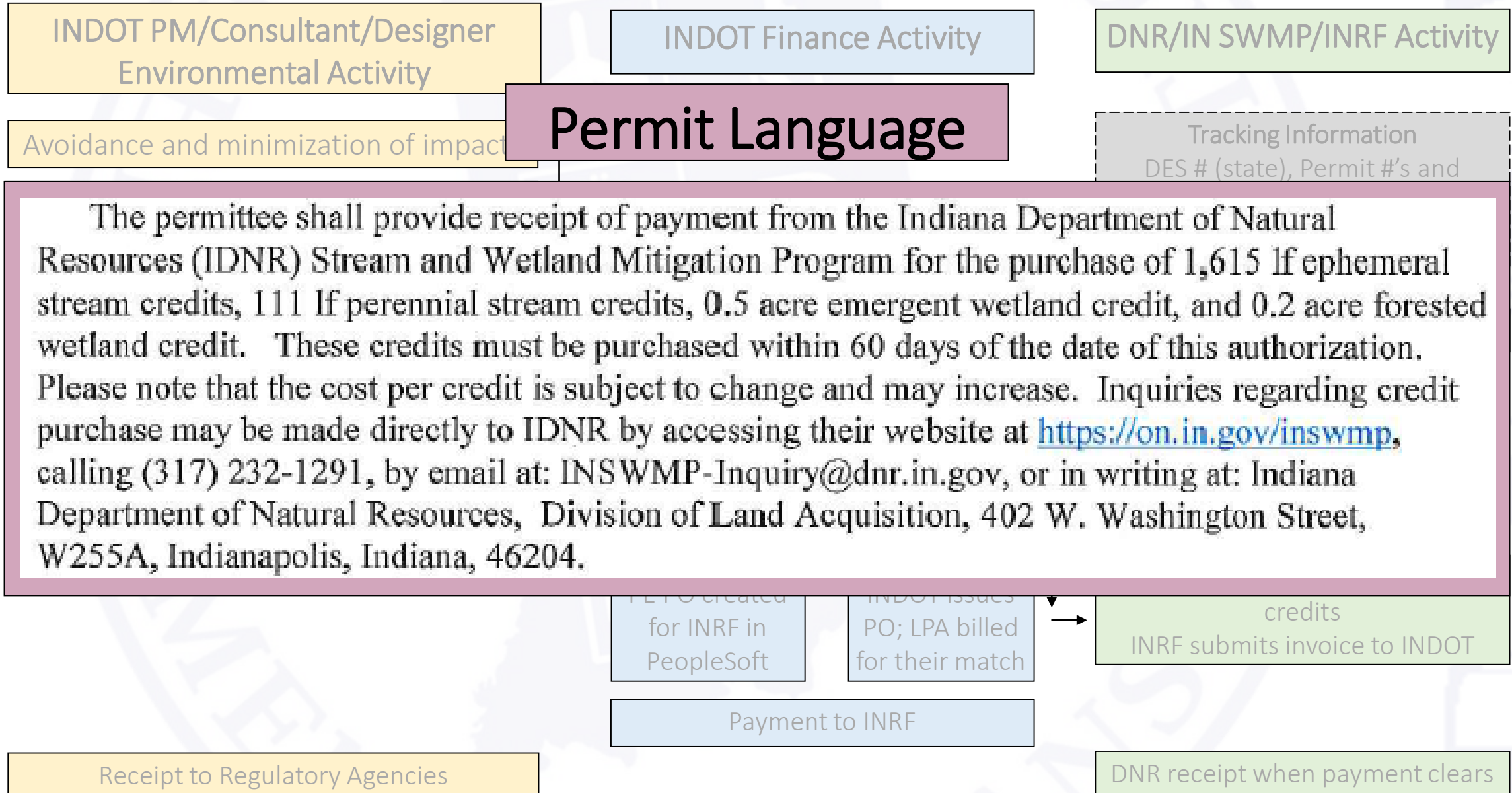
Compensatory Mitigation Required

- Mitigation credits from
 - Mitigation Bank
 - IN SWMP
 - Permittee Responsible
- IN SWMP service area
- Total permanent impacts for project
 - Wetlands – acres and type
 - Streams – LF and acres
- Mitigation provided
 - Bank – may have a type of mitigation required i.e. emergent wetlands
 - IN SWMP – credit quantity and type
 - Impacts not requiring mitigation

IN SWMP In-Lieu Fee Workflow



IN SWMP In-Lieu Fee Workflow



IN SWMP In-Lieu Fee Workflow

INDOT Finance Activity

- Submittal of work order in PSCS by PM
- CAPWise request generated
- PE PO created for INRF
- LPA billed for match

Submit 404/401 Applications

USACE/IDEM impact verification, IN SWMP acceptance, issue permits

PSCS work order submitted
CAPWise request generated


State

PE PO created for INRF in PeopleSoft

INDOT i PO; LPA for their

Payment to INRF

Receipt to Regulatory Agencies



Purchase Order

INDOT Consulting

Indiana Department of Transportation

Approved by Encumbrance Leadership Team - 2011

Order #

0020008620

Date

11/28/2018

Required Date

12/14/2018

Page

1 of 1

Requisition Number:

0000202918

Vendor ID:

0000247428 REMIT001

Agency:

00800 Transportation

Pay Terms:

35 Days in Arrears

Fund/Object/Center:

63200/ 538153/ 894140

Vendor

0000247428 REMIT001 1

Remit to

INDIANA NATURAL RESOURCES FDTN
402 W WASHINGTON AT RM W256
INDIANAPOLIS IN 46204

Ship To

Dept of Transportation
Innovative Project Delivery
100 N. Senate Ave, Room N601
INDIANAPOLIS IN 46204

Vendor Name Address

INDIANA NATURAL RESOURCES FDTN
402 W WASHINGTON AT RM W256
INDIANAPOLIS IN 46204

Bill To

Transportation
Dept of Transportation
Innovative Project Delivery
100 N. Senate Ave, Room N601
INDIANAPOLIS IN 46204

Vendor Contact

Name:
eMail:
Phone:

Buyer

Name: Cara Gaston - 00800
eMail: CGaston@indot.IN.gov

Purchase Order Instructions & Comments

PLC-37109 DES 1382409 800138240900ST4 Environmental Mitigation on US35 On US 35 at Kankakee River 2.46 miles S of US 6 in LaPorte County LaPorte District (FR-0061786 PE)

| Item No | Description | Purchase Order Line Details (FOB Destination) | Qty Ordered | Qty Recd | UOM | Unit Price | Extended Amt |
|---------|---|---|-------------|----------|-----|-------------|--------------|
| 1- 1 | INSWMP In-lieu Fee Mitigation Credit Payment. DNR INSWMP issued a credit amount of \$74100 on 10/29/2018 for 404 Permit LRE-2000-700010-R10. Submission made by Sandra Bowman sbowman@indot.in.gov Payment to replace failed mitigation site. | | 1.0000 | | EA | 74,100.0000 | 74,100.00 |

Units of Measure, Handling, Totals, Signatures

The following UN/CEFACT Unit of Measure Common Codes are used in this document:
EA Each

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Total PO Amt. \$ 74,100.00

Issued by the Indiana Department of Transportation

CARA J GASTON

CONFIRMATION OF RECEIPT

I certify that the items listed above were received. All commodities appeared to conform to specifications and showed no patent defects, except as otherwise noted.

Signature of State Employee Receiver

Date Signed(Month/Day/Year)

FUNDING ENCUMBERED BY THE AUDITOR OF STATE

I certify that there is sufficient unencumbered balance in the above account to cover the amount of this order, and that funds have been set aside for payment thereof.

DNR receipt when payment clears

IN SWMP In-Lieu Fee Workflow



INSWMP

402 W. Washington Street, W256
IN 46204

317-234-5447

Invoice

| Date | Invoice # |
|------------|-----------|
| 10/29/2018 | 14 |

Bill To

Indiana Department of Transportation
100 North Senate Avenue, IGCN 642-ES
Indianapolis, IN 46204

| | FID # | DES # | Terms | |
|---|---------------------|----------|----------------|-------------|
| | | 1382409 | Due on receipt | |
| Description | Permit | Quantity | Rate | Amount |
| Kankakee Jurisdictional Wetland Mitigation Credit | LRE-2000-700010-R10 | 0.78 | 95,000.00 | 74,100.00 |
| Total | | | | \$74,100.00 |

Bank Information ACH
BMO Harris Bank NA
111 West Monroe Street
Chicago, IL 60603
Phone: 855-259-8521
Account Name: Indiana Natural Resources Foundation
Routing Number - 071000288
Bank Account - 2949931

Please include the permit number in your ACH ADDENDA RECORDS or Detail. Additionally, notify Cheryl Hampton at champton@dnr.in.gov when sending the ACH.

INDOT Finance Activity

DNR/IN SWMP/INRF Activity

Tracking Information
DES # (state), Permit #'s and mitigation required - LF of stream, wetland and trees

IN SWMP/INRF Activity

- IN SWMP notifies INRF of incoming credits
- INRF submits invoice to INDOT

State

Local

PO created for INRF in PeopleSoft

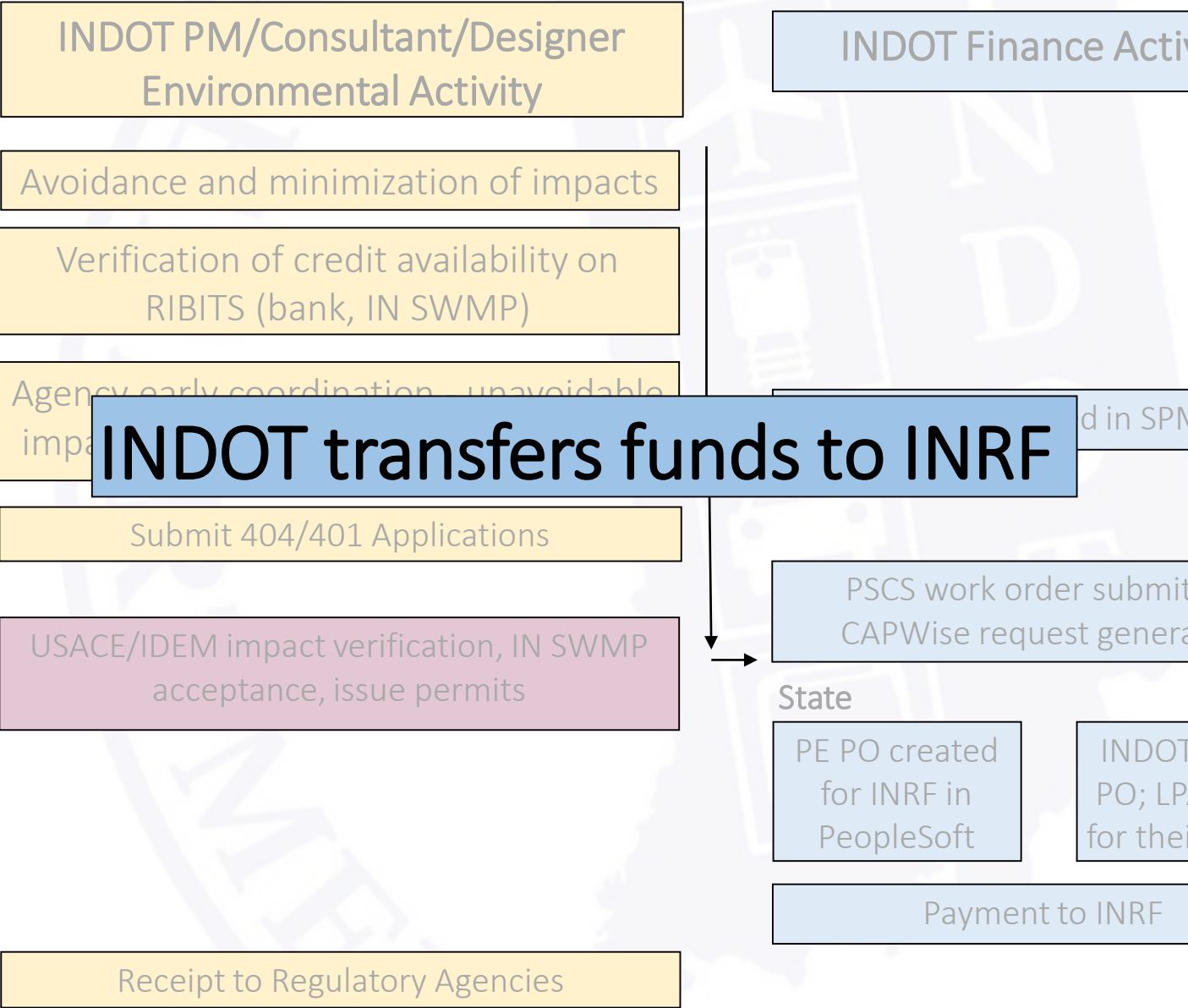
INDOT issues PO; LPA billed for their match

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Payment to INRF

DNR receipt when payment clears

IN SWMP In-Lieu Fee Workflow



Purchase Order
INDOT Consulting
Indiana Department of Transportation
Approved by Encompass Leadership Team - 2011

Order # 0020008620 Date 11/28/2018 Required Date 12/14/2018 Page 1 of 1
Requisition Number: 0000202918
Vendor ID: 0000247428 REMIT001
Agency: 00800 Transportation
Pay Terms: 35 Days in Arrears
Fund/Object/Center: 63200/ 538153/ 894140

Vendor 0000247428 REMIT001 1
Remit to INDIANA NATURAL RESOURCES FDTN
402 W WASHINGTON AT RM W256
INDIANAPOLIS IN 46204

Ship To Dept of Transportation
Innovative Project Delivery
100 N. Senate Ave, Room N601
INDIANAPOLIS IN 46204

Vendor Name Address INDIANA NATURAL RESOURCES FDTN
402 W WASHINGTON AT RM W256
INDIANAPOLIS IN 46204

Bill To Transportation
Dept of Transportation
Innovative Project Delivery
100 N. Senate Ave, Room N601
INDIANAPOLIS IN 46204

Vendor Contact Name: eMail: Phone:
Buyer Name: Cara Gaston - 00800
eMail: CGaston@indot.in.gov

Purchase Order Instructions & Comments

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EA Each

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Total PO Amt. \$ 74,100.00

Issued by the Indiana Department of Transportation
CARA J GASTON

CONFIRMATION OF RECEIPT
I certify that the items listed above were received. All commodities appeared to conform to specifications and showed no patent defects, except as otherwise noted.
Signature of State Employee Receiver Date Signed(Month/Day/Year)

FUNDING ENCUMBERED BY THE AUDITOR OF STATE
I certify that there is sufficient unencumbered balance in the above account to cover the amount of this order, and that funds have been set aside for payment thereof.

00800 0020008620

IN SWMP In-Lieu Fee Workflow

INDOT PM/Consultant/Designer
Environmental Activity

Avoidance and minimization of impacts

Verification of credit availability on

**INRF issues receipt
when payment
clears**

USACE/IDEM impact verification, IN SWMP
acceptance, issue permits

Receipt to Regulatory Agencies

Payment Receipt

INSWMP
402 W. Washington Street, W256
IN 46204

Received From:
Indiana Department of Transportation
Indiana Department of Transportation
100 North Senate Avenue, IGCN 642-ES
Indianapolis, IN 46204

Date Received01/31/2019

Payment MethodE-Check

Check/Ref. No.N/A - Bank Transfer

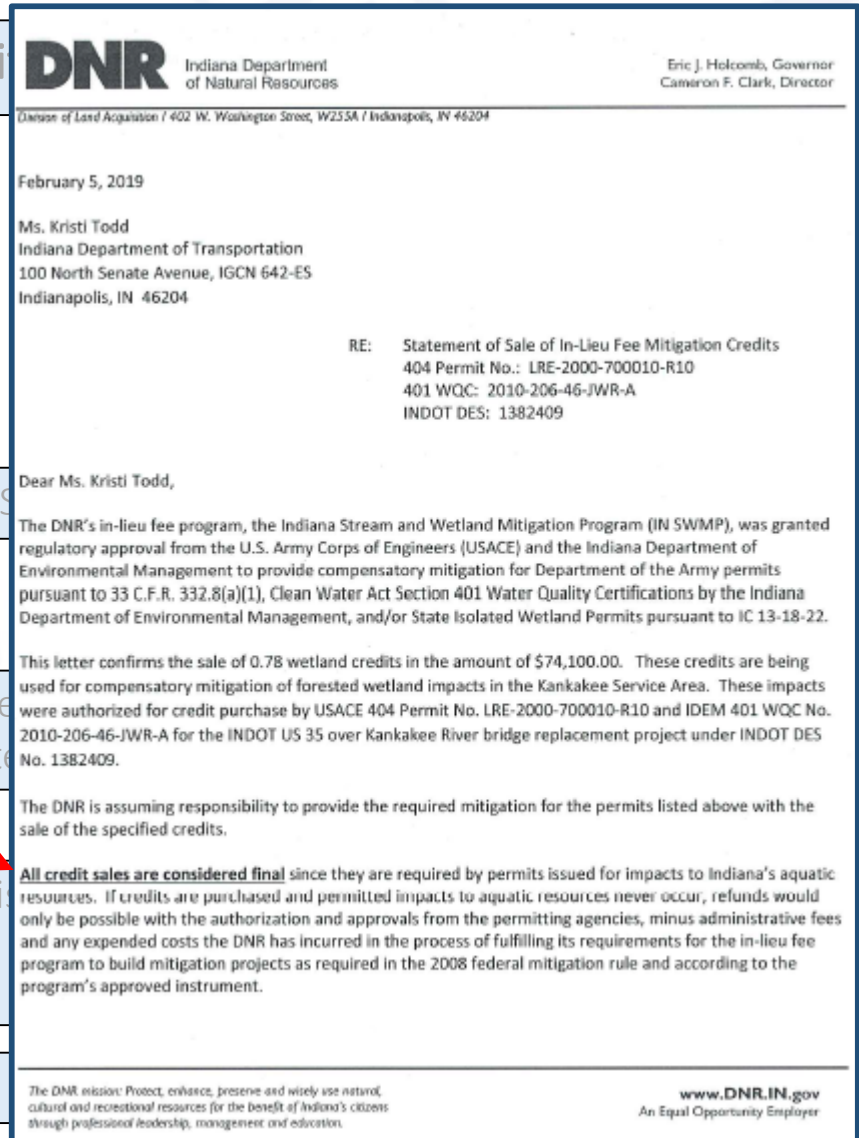
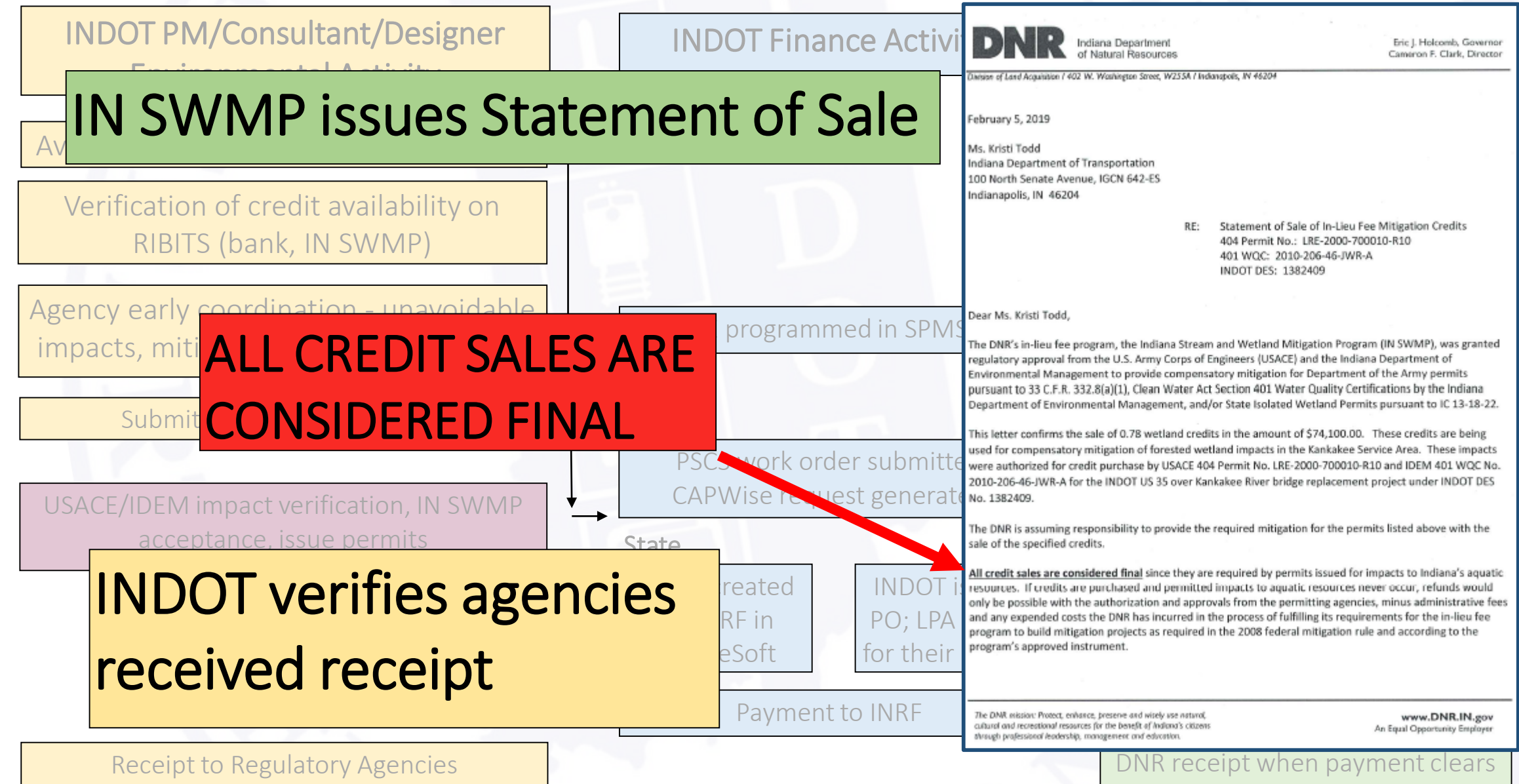
Payment Amount\$74,100.00

Invoices Paid

| Date | Number | Amount Applied |
|------------|--------|----------------|
| 10/29/2018 | 14 | -\$74,100.00 |

DNR receipt when payment clears

IN SWMP In-Lieu Fee Workflow



IN SWMP In-Lieu Fee Workflow

INDOT's obligation to provide mitigation for impacts is complete!!!



INDOT IN SWMP Use

In-Process

SR 23 – Off-site failed mitigation

- 0.27 ac EM Kankakee Sands MB - \$24,300
- 3.0 Acres FO - \$285,000
- 310 LF stream - \$155,000

US 35 – Failed mitigation

- 0.78 ac FO - \$74,100

I-65 & US 31 Scour Protection

- 0.89 ac \$72,100

Future

I-65 ATL (SR 331 to Memphis Rd)

- Permittee responsible – 2 sites lost
- 0.5 ac EM, 0.2 ac FO - \$56,000
- 1,726 LF stream - \$690,400

I-69 Section 6.2 – 6.5

- Permittee responsible – 5 sites, wetland and stream
- 10,574 LF stream - \$4.2 million

Hardy Lake State Recreation Area

- 596 LF stream - \$238,400

Questions?

Sandy Bowman

**Ecology and Waterway Permitting
Manager**

Indiana Department of Transportation

sbowman@indot.in.gov

317-233-5568

Laura Hilden

Director of Environmental Services

Indiana Department of Transportation

lhilden@indot.in.gov

317-232-5018

